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ROLL CALL

Present: Council Members - Davenport, Mann, Sieglock,
Snider, and Pennino (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City
Manager Glenn, Community Development
Director Schroeder, Public Works Director
Ronsko, Acting City Attorney Sullivan, and
City Clerk Perrin

INVOCATION

The invocation was given by Pastor Vernon Jensen, Vinewood Community Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

PRESENTATIONS

PROCLAMATIONS

Mayor Pennino presented the following proclamations:

CC-37

- a) "Walk for the Health of It", May 15, 1993--accepting the proclamation was Joanne Barkley, Bill Dauer and Margie Yacopetti;
- b) "Peace Officers' Memorial Week", week of May 11, 1993--accepting the proclamation was Dennis Lewis, Lodi Police Department; and
- c) "National Public Works Week", May 16 - 22, 1993--accepting the proclamation was Jack Ronsko, Public Works Director.

PRESENTATION OF OFFICIAL LODI FLAG DESIGNER

CC-2 (k)

A presentation was made to the winner of the flag contest sponsored by Mr. and Mrs. Stan Kirst and facilitated by the Lodi Arts Commission.

Mr. Kirst called each of the finalists forward to receive congratulations on each of their designs and presented the winner, Patrick O'Connell, with a \$1,000 United States Savings Bond.

Further, on motion of Council Member Davenport, Snider second, the City Council unanimously adopted the design as the official City of Lodi flag.

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CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Snider, Mann second, approved the following items hereinafter set forth.

Further, the following items were removed from the Consent Calendar and discussed and acted upon at the end of the agenda (removed by Council Member Davenport):

- a) Agenda item #E-3 entitled, "Parking ticket collection agreement";
- b) Agenda item #E-6 entitled, "Contract Change Order - Poplar Street Wastewater Pipe Improvement, Cherokee Lane to Central Avenue";
- c) Agenda item #E-7 entitled, "Consideration of additional deferred compensation provider";
- d) Agenda item #E-8 entitled, "Retention and repair of asset-seized vehicle by the Lodi Police Department";
- e) Agenda item #E-9 entitled, "Firework display contract for Fourth of July at Lodi Lake Park";
- f) Agenda item #E-10 entitled, "Purchase of Police Patrol vehicles"; and
- g) Agenda item #E-11 entitled, "Support for routing of Amtrak trains through the City of Lodi utilizing Southern Pacific tracks".

CLAIMS CC-21(a)

Claims were approved in the amount of \$3,397,784.77.

MINUTES

The Minutes of March 3, 1993 (Regular Meeting), March 9, 1993 (Special "Town Hall" Meeting), March 10, 1993 (Special "Town Hall" Meeting) and March 17, 1993 (Regular Meeting) were approved as written.

AGENDA ITEM REMOVED FROM
CONSENT CALENDAR

Agenda item #E-3 entitled, "Parking ticket collection agreement" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

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SPECIFICATIONS AND ADVERTISEMENT FOR BIDS
FOR HIGH PRESSURE SODIUM LUMINAIRES
APPROVED

CC-12.1(c) The City Council approved the specifications and authorized advertisement for bids for the purchase of 85 250-watt high pressure sodium luminaires for installation in the downtown area.

The Electric Utility Department has issued a work order to replace 85 mercury vapor lights in the downtown area with the more efficient high pressure sodium luminaires.

The area in which the conversions are scheduled to take place is bounded by Lockeford Street, Church Street, Lodi Avenue and Sacramento Street.

The high pressure sodium luminaires will improve lighting levels in the area while reducing power consumption by 32%.

CONTRACT AWARD FOR HENNING SUBSTATION
MASONRY WALL, 1145 SOUTH HAM LANE APPROVED

RESOLUTION NO. 93-55

CC-12(c) The City Council adopted Resolution No. 93-55 awarding the
CC-90 contract for the above project to Case Construction
CC-300 Company, Inc., in the amount of \$29,053

This project will install a 12-foot high masonry wall along the Woodbridge Irrigation District right-of-way at Henning Substation. The installation of this wall will improve security at both Henning Substation and the Municipal Service Center.

Plans and specifications for this project were approved on April 7, 1993. The City received the following two bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$28,172
Case Construction Company, Inc.	Lodi	\$29,053
H. Max Lee, Inc.	Lodi	\$31,500

AGENDA ITEMS REMOVED FROM THE
CONSENT CALENDAR

Agenda item #E-6 entitled, "Contract Change Order - Poplar Street Wastewater Pipe Improvement, Cherokee Lane to Central Avenue" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

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Continued May 5, 1993

Agenda item #E-7 entitled, "Consideration of additional deferred compensation provider" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

Agenda item #E-8 entitled, "Retention and repair of asset-seized vehicle by the Lodi Police Department" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

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Agenda item #E-11 entitled, "Support for routing of Amtrak trains through the City of Lodi utilizing Southern Pacific tracks" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

COMMENTS BY CITY

COUNCIL MEMBERS The following comments were received under the "Comments by ON NON-AGENDA ITEMS City Council Members" segment of the agenda:

LODI DAY AT THE STICK

Council Member Snider reminded the public that Saturday, May 22, 1993 is the annual "Lodi Day at the Stick". There are eleven buses scheduled and the last day to purchase tickets is May 11, 1993.

HOUSEHOLD HAZARDOUS WASTE EVENT HELD IN LODI

CC-24(d) Council Member Sieglock informed the public that the Inter-Agency Household Hazardous Waste Task Force recently voted to recommend to the San Joaquin County Board of Supervisors to terminate its contract with Green Alternatives who were hired to handle the household hazardous waste event that was held April 10, 1993. The Task Force hopes to sign with a new contractor in the near future.

CONGRATULATIONS ON THE STREET FAIRE AND
CINCO DE MAYO EVENTS

CC-2(q) Council Member Sieglock congratulated the Lodi District
CC-7(k) Chamber of Commerce on the success of the Street Faire and
congratulated the Gang Task Force on the success of its
Cinco de Mayo celebration.

Council Member Davenport commented on the gang problem and
that positive steps are being taken in the right
direction. Mr. Davenport also congratulated the Chamber of
Commerce and the Gang Task Force for the success of their
events this weekend. Further, Mr. Davenport assured the
citizens that he is working on the many requests he has
received.

Further, the City Clerk was directed to send a letter to
both the Lodi District Chamber of Commerce and the Gang
Task Force congratulating them on the success of their
events.

FAREWELL TO POLICE CHIEF WILLIAMS

CC-6 City Manager Peterson extended a fond farewell to retiring
Chief of Police Williams who has served this community for
30 years.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

The following comments were received under the "Comments by
the public on non-agenda items" segment of the agenda:

REPORT BY LODI SENIOR CITIZENS COMMISSION

CC-2(i) Lillian Goldsmith, 1830 South Hutchins Street #507, Lodi,
representing the Lodi Senior Citizens Commission, commented
on the various concerns/projects of the Commission
including: (1) the importance of Dial-A-Ride and stressed
it is not just for seniors; (2) affordable housing for
seniors; (3) Sheriffs Team of Active Retired Seniors
(S.T.A.R.S.) Program; (4) Focus groups to work with other
senior groups; (5) invited the public to attend Senior
Awareness Day on May 20, 1993 at Micke Grove Park.

COMMENT REGARDING LETTER PURPORTING TO BE
FROM "FRIENDS OF TOM"

CC-6 Virginia Lahr, 311 East Elm Street, Lodi, commented on the
CC-16 letter that was recently mailed out to local citizens
purporting to be from "Friends of Tom (F.O.T.)" stating the
letter was an insult and she did not wish to be a part of
it. Ms. Lahr further thanked the City for the cleanup on
Hilborn Street.

PETITION REGARDING CITY OF LODI EMPLOYEE SALARIES

CC-16 Dave Christy, 841 Cheney Court, Lodi, commented on the
CC-34 petition being circulated with the salaries of City of Lodi
management officials and suggested it was time to review
these salaries and spendings.

City Manager Peterson made a few comments on the matter
informing the public that the \$37,000 annual County figure
shown on the petition is a 1989 figure and the average City
of Lodi employee salary for 1992/93 is \$34,984 which is
below the County's average.

LODI DISTRICT CHAMBER OF COMMERCE STREET
FAIRE IS A SUCCESS

CC-7(k) Les Dabritz and Dorean Rice with the Lodi District Chamber
of Commerce commented on the success of the Lodi Street
Faire. There were approximately 339 vendors and 25,000
people attending this year. Further, Ms. Rice presented a
check to the City of Lodi in the amount of \$1,248.75 which
came from the temporary business license fees of the street
vendors.

"F.O.T. LETTER" Penny Mattos, 944 South Stockton Street, Lodi, also
CC-6 commented on the "F.O.T." letter and requested an
explanation.

City Manager Peterson informed the public that he did not
know where the letter came from and stated he felt it was a
deliberate and calculated effort to divide this community.
Mr. Peterson further challenged the author of this letter
to step forward.

ACTING CITY ATTORNEY INTRODUCED

Mayor Pennino introduced Acting City Attorney C. M. Bud
Sullivan, who was sitting in for City Attorney McNatt.

INQUIRY REGARDING TRUCK PARKING AND SIGNS
PROHIBITING RUNNING OF ENGINES

CC-48(a) John Mattos, 944 South Stockton Street, Lodi, asked when
the matter regarding truck parking and signs prohibiting
the running of truck engines will be heard next by the City
Council. Public Works Director Ronsko stated that the
matter would be discussed at the meeting of May 19, 1993.

The City Clerk was directed to mail an agenda to Mr. Mattos.

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PARTING COMMENTS BY RETIRING POLICE CHIEF
WILLIAMS

CC-6 Floyd Williams, retiring City of Lodi Police Chief, made some parting comments on the enjoyment he has had serving this community for the past 30 years. Mr. Williams thanked the City Council for keeping the Police Chief and the Fire Chief positions separate and commended the Police Department for its good work. In his final comments, Mr. Williams thanked the City Manager for the past eight years that they have worked together and that it has been a pleasure to work with him.

INQUIRY ON "NO RIGHT TURN" SIGN ON LODI
AVENUE/HAM LANE

CC-48(a) Eileen St. Yves, 310 South Orange Street #60, Lodi, questioned the reason for the "No Right Turn" sign at the corner of Lodi Avenue and Ham Lane.

DECLINED TO SPEAK Adam Dados, 1101 Junewood Drive, Lodi, declined to speak because his concerns had already been addressed.

COMMENT REGARDING "TOWN HALL" MEETINGS

CC-21(b) John Kraai, 351 Del Mont, Lodi, commented on the recent "Town Hall" meetings and the budget process, and stated he would like to see the vehicle policy looked at, as well as the phones in the cars, credit cards and overtime.

Mayor Pennino informed Mr. Kraai that these matters will be discussed during the budget process, which will be open to the public.

"F.O.T. LETTER" George Garcia, 852 Daisy, Lodi, also commented on the "F.O.T." letter stating that it was sick and racist.
CC-6 Further, Mr. Garcia stated he supports the Lodi Police Department and that there needs to be a location where truck drivers can park to take a rest, eat or sleep.

The City Clerk was directed to mail an agenda regarding truck parking to Mr. Garcia.

Clayton Henson, P.O. Box 591, Valley Springs, made comments regarding the F.O.T. letter and regarding recent letters to the editor that appeared in the Lodi News Sentinel.

COMPLAINT REGARDING THE ISSUANCE OF
ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSES

CC-7(f) Cliff Barnhart, 913 South Central Avenue, Lodi, suggested
CC-16 that the City Council look into the Alcoholic Beverage Control (ABC) Licenses that are being issued to businesses in the vicinity of Vine Street and Central Avenue. There are thirteen in that area alone causing many problems, and there is a need for additional night time patrol.

Mayor Pennino informed Mr. Barnhart that the City of Lodi has no control over the issuance of ABC Licenses.

C. W. Gillam, 903 South Central Avenue, Lodi also expressed his concerns regarding the issuance of ABC Licenses in the area of Vine/Central and stated he has filed a complaint with the ABC Board.

RECALL PAPERS SERVED ON COUNCIL MEMBER DAVENPORT

CC-6 Jerald Kirsten, 1726 Windjammer Court, Lodi, expressed his
CC-18 concerns over Council Member Davenport and informed the public that a committee had been formed called Citizens For Good Government, P.O. Box 1193, Lodi, 369-7137 with the purpose to recall Council Member Davenport. Further, Mr. Kirsten served Council Member Davenport with a Notice of Intention to Recall and filed a copy along with proof of delivery with the City Clerk.

Council Member Davenport made several comments in response to Mr. Kirsten's statements.

COMPLAINT REGARDING ABANDONED VEHICLE ORDINANCE

CC-53(b) Gregg Yoshimoto, 1305 Burgundy Court, Lodi, spoke regarding
CC-149 his appeal of the Notice of Abandoned Vehicle at his property which was denied by the Lodi City Council at its meeting of April 21, 1993. Mr. Yoshimoto informed the City Council that he has filed an action with the court to see if the City's ordinance is valid.

NATIONAL DAY OF PRAYER

Ken Owen, Christian Community Concerns, invited the public to attend the National Day of Prayer event being held on May 6, 1993 in the mall area between City Hall and the Carnegie Forum at 12 o' clock noon.

COMMENT REGARDING RECALL

CC-6 Council Member Snider commented that he hopes that this
CC-18 matter regarding the recall will remain outside of the Council table and encouraged people not to use this forum as a means to campaign either pro or con.

RECESS Mayor Pennino called for a ten-minute recess and the City Council reconvened at approximately 9:10 p.m.

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PUBLIC HEARINGS

PUBLIC HEARING TO CONSIDER APPEAL
RECEIVED FROM CHRIS KESZLER REGARDING THE
PLANNING COMMISSION'S DENIAL OF HIS
REQUEST FOR A GENERAL PLAN AMENDMENT TO
REDESIGNATE A PORTION OF THE PARCEL LOCATED
AT 451 EAST TURNER ROAD (APN 015-230-28)
FROM P-R, PLANNED RESIDENTIAL TO NCC,
NEIGHBORHOOD/COMMUNITY COMMERCIAL AND TO
PREZONE THE PARCEL C-S, COMMERCIAL
SHOPPING CONTINUED

CC-53(b) Council Member Snider abstained from discussion and voting
on this matter.

Notice thereof having been published according to law, an
affidavit of which publication is on file in the office of
the City Clerk, Mayor Pennino called for the Public Hearing
to consider the appeal received from Chris Keszler
regarding the Planning Commission's denial of his request
for a General Plan Amendment to redesignate a portion of
the parcel located at 451 East Turner Road (APN 015-230-38)
from P-R, Planned Residential to NCC,
Neighborhood/Community Commercial and to prezone the parcel
C-S, Commercial Shopping.

At the request of the proponents, the City Council, on
motion of Council Member Sieglock, Davenport second,
continued this matter until the City Council meeting of May
19, 1993 (Council Member Snider abstained from voting on
this matter).

PUBLIC HEARING TO CONSIDER THE PLANNING
COMMISSION'S RECOMMENDATION THAT THE CITY
COUNCIL AMEND TITLE 17 OF THE LODI MUNICIPAL
CODE (ZONING RESTRICTIONS) TO PROVIDE FOR AN
ADMINISTRATIVE DEVIATIONS PROCEDURE

ORDINANCE NO. 1575 INTRODUCED

CC-6 Notice thereof having been published according to law, an
CC-149 affidavit of which publication is on file in the office of
the City Clerk, Mayor Pennino called for the Public Hearing
to consider the Planning Commission's recommendation that
the City Council amend Title 17 of the Lodi Municipal Code
(Zoning Restrictions) to provide for an administrative
deviations procedure.

Community Development Director Schroeder presented the
following report.

The proposed amendment was generated by recent discussions regarding the adoption of a new Community Development Fee Schedule. The Planning Commission felt that certain types of minor deviations or variances could be handled by City staff thereby saving the applicant the additional time and money required to go before the Planning Commission. The proposed administrative deviations amendment establishes precise limitations on the types of variances that can be approved by staff and the magnitude of deviation that can be approved. It was the intent of the Planning Commission that this process would make the variance process easier and less expensive for the majority of people requiring a variance or deviation. The Planning Commission also recommended that a nominal fee be charged for this procedure.

Below are excerpts from the Planning Commission minutes of March 22, 1993.

"The second public hearing was to consider recommending an amendment to Title 17 of the Municipal Code (Zoning Restrictions) to provide for administrative deviations.

City Attorney McNatt introduced this matter for the Planning Commission. He explained that the purpose of the amendment is to allow for staff to take responsibility for approving/denying minor variances reducing the cost to applicants as well as shortening the review process. Applications for deviations would be considered for modifications such as requirements for off-street parking, setbacks, lot area and width, building height and landscaping. Under the new ordinance any decision by staff could be appealed to the Planning Commission.

The Commissioners found the language of the ordinance confusing. They felt the setback requirements of the amendment should be reduced, the appeal period lengthened and a separate administration fee established.

Vice Chairman Rasmussen then asked if anyone in the audience wished to speak on the matter. Speaking in favor of the ordinance was Steve Pechin, Baumbach & Piazza, Inc., 323 West Elm Street. He agreed that findings on minor variations should be made by staff and a small administrative fee charged.

Finally, on a motion by Commissioner Stafford and a second by Commissioner Griffith, the Planning Commission voted unanimously to recommend to the City Council the amendment to Title 17 of the Municipal Code (Zoning Restrictions) to provide for Administrative Deviations with the following changes to the draft ordinance:

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1. (c) (1) Area and width requirements - Up to 15% of the area requirements, excluding lot area requirements;
2. Appeal process - lengthen process from 5 days to 10 days.

In a related matter, on a motion by Commissioner Stafford and a second by Commissioner Griffith, the Planning Commission unanimously recommended to the City Council that a fee for administrative deviations be charged."

Mayor Pennino opened the hearing to the public. There being no one wishing to speak on the matter, the Mayor closed the public portion of the hearing.

Following discussion on the matter, the City Council, on motion of Council Member Snider, Davenport second, unanimously introduced Ordinance No. 1575 amending Title 17 of the Lodi Municipal Code (Zoning Restrictions) to provide for an Administrative Deviations Procedure with a minor change on page two of the ordinance striking the phrase "...and any other documentation required..." in the last paragraph.

COMMUNICATIONS
(CITY CLERK)

CLAIMS CC-4(c)

On recommendation of the City Attorney and the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Snider, Pennino second, unanimously rejected the following claims and referred them back to ICA:

- a) Fannie Berkowitz, date of loss 11/4/92;
- b) William & Marilyn Norris, date of loss 3/1/93; and
- c) Joey Ventura, date of loss 4/2/93.

ABC LICENSE
APPLICATIONS

CC-7(f)

City Clerk Perrin read the following Alcoholic Beverage Control Licenses:

- a) B & L Enterprises, Inc. (Buddy Moats, President; Leona Moats, Vice President; Diana Kuehne, Secretary; and Lloyd D. Kuehne, CFO), Country Dance Factory, 902 Industrial Way, Lodi, On Sale Beer and Wine, Public Premises, Original License;

- b) Conrado S. and Josefina Marquez, La Chiquita Meat Market, 845 South Central Avenue, Lodi, Off Sale Beer and Wine, Original License; and
- c) Ka Kam and Sau L. Lee, Golden Rice Bowl, 100 West Turner Road, Suite E, Lodi, On Sale Beer and Wine Eating Place, Original License.

Concerns were addressed regarding the ABC License Application for La Chiquita Meat Market. Council Member Mann made a motion to send a letter to the Alcoholic Beverage Control Board voicing its opposition to the issuance of this request for a license. The motion died for lack of a second.

Further, following discussion on the matter, the City Council, on motion of Council Member Mann, Snider second, unanimously voted to send a letter to the Alcoholic Beverage Control Board to recommend that it hold off on the issuance of the license for La Chiquita Meat Market until the City has had an opportunity to research this matter.

REPORTS

Under Reports, the City Council heard the following:

CC-35

The Planning Commission Report of April 26, 1993 -

- a. Approved the request of Don Pearson on behalf of John Chapman for a tentative parcel map to create 2 lots from 1 lot at 705 North Loma Drive in an area zoned R-2, Single-Family Residential.
- b. Determined that there was sufficient justification to approve the variance request of Calvin Suess on behalf of Lodi Nut Co. to replace an existing storage building with a new 5800 square foot warehouse at 1230 South Fairmont Avenue in an area zoned R-1, Single-Family Residential.
- c. Determined that a "Zoning Hardship" existed and approved the request of Angelo Fanos on behalf of Victor Anaya to reduce the required number of parking spaces from 11 to 5 at 603 South Central Avenue in an area zoned C-1, Neighborhood Commercial.

CC-2(k)

Lodi Arts Commission

Chairperson Tim Mattheis and Commissioner Olson of the Lodi Arts Commission were unexpectedly unable to attend the meeting that evening; therefore, Mayor Pennino gave a brief report regarding the Arts Commission's Night Time Live event to be held that Friday at 7:00 p.m. - 10:00 p.m.

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APPOINTMENTS TO THE LODI ARTS COMMISSION

CC-2(k) At the March 17, 1993 City Council meeting, the City Clerk was directed to post for the two unexpired terms of Rick Dentino and Eileen St. Yves that had been vacated due to action taken by the Lodi Arts Commission at its meeting of March 10, 1993.

The City Council, on motion of Mayor Pennino, Snider second, unanimously made the following appointments to the Lodi Arts Commission:

LODI ARTS COMMISSION

D. Juan Gonzalez Term to expire July 1, 1996

Susan Maley Term to expire July 1, 1994

APPOINTMENT TO THE CITY OF LODI DEFERRED
COMPENSATION COMMITTEE

CC-2(a) At the March 17, 1993 Council meeting, the City Clerk was directed to post for the vacancy on the City of Lodi Deferred Compensation Committee which was vacated by Alice Reimche, City Clerk, who recently retired.

On motion of Council Member Mann, Davenport second, the City Council unanimously appointed David Morimoto, Community Development Department to the City of Lodi Deferred Compensation Committee.

PG&E APPLICATION

CC-7(t) The City Council received Application No. 93-04-028 from Pacific Gas & Electric Company (PG&E) filed with the California Public Utilities Commission (CPUC) in which it requested authority to increase its rates for gas services and a net zero change for electric services.

REGULAR CALENDAR

REQUEST FROM GOURMET SANDWICH SHOP,
230 WEST PINE STREET, LODI, FOR AN
ENCROACHMENT PERMIT THAT WOULD ALLOW
THE RESTAURANT TO INSTALL EXTERIOR TABLES
AND CHAIRS DURING BUSINESS HOURS APPROVED

CC-6 The Gourmet Sandwich Shop, 230 West Pine Street, Lodi,
CC-500 requested that they be put on the City Council agenda of
May 5, 1993. The restaurant would like to have an
encroachment permit that would allow it to install exterior
tables and chairs during business hours. Following is
their letter of request.

"My name is Michelle Rishwain Bernard, my husband Dennis Bernard and I are the present owners of the 'Gourmet Sandwich' Shop located at 230 West Pine Street in Lodi (right across the street from City Hall).

When purchasing this particular restaurant, we idealized this corner as an honorable outside French cafe with a terrace to sit our customers.

Mr. Mayor and responsible City Council, my request is to modify the City Code as to permit and approve us to install exterior tables and chairs during business hours.

This prime location in downtown Lodi is ready and in need of this particular concept. A cafe terrace would definitely be the answer to this cachet concept of charm which is sweeping the nation. Lodi is in need of a modern vogue and romantic ambiance which the French cafe style would give. The idea would keep the area very distinguished, inviting and welcoming to those who drive and shop on Pine Street and its surroundings.

The outdoor cafe would make our clients feel at ease. Relaxing and enjoying an outside gathering between friends for a cappuccino or croissant. Fellow workers discussing business over an espresso, or to our fellow Lodi News Sentinel readers sipping a mocha with a bowl of homemade soup, how about the students who sit outside listening to mother nature, birds and looking at the trees as they reflect on their studies. Lets not forget the senior citizens of our great City who love to relax with our fresh ground house coffees. In a nut shell, everyone would benefit from this inviting idea.

Accomplishing this idea would not only benefit the Gourmet Sandwich Shop and its customers, but would also attract many from the outskirts of the surrounding cities to dine, shop and encourage the businesses of our greater downtown Lodi area.

For our restaurant, having an outside terrace would mean, adding beauty to the City along with pleasing all of the people who ask us if they could bring tables outside to enjoy the food along with the outside view of the park and building, etc. The Gourmet Sandwich is a healthy restaurant with mid-eastern specialities along with American foods. The highest quality is served in every aspect along with its unique ambiance. Vegetarian food is also one of our specialties with espresso and house blend coffees. The only thing missing to this very European style cafe as one can see is the lack of an outside terrace.

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Outside cafes are seen in the richest cities of the world. Here in California, many restaurants have also opened the eyes and hearts of the public with cafe terraces, cities such as San Francisco, Sacramento and even smaller and beautiful cities which we compare to Lodi which are Monterey and Carmel.

We indeed wish to accomplish our goal and that of our customers and future customers by having the City ordinance modified for outside cafe terraces in Lodi. California is beautiful, the trees, sunlight and nature are all outside for us to enjoy. The best view in our case for everyone, would be on a relaxing outside terrace.

We hope the City Code can be modified for our cafe. We are in great need of your advice and directions on how to achieve our need. We are willing to work with you on this project."

Following a brief discussion on this matter, the City Council, on motion of Council Member Snider, Davenport second, unanimously approved the request from the Gourmet Sandwich Shop, 230 West Pine Street, Lodi, for an encroachment permit that would allow the restaurant to install exterior tables and chairs during business hours and for the owner to work with staff on setting certain conditions.

REQUEST FROM YELLOW CAB COMPANY TO RECONSIDER
THE NECESSITY OF TWO CAB COMPANIES OPERATING
IN THE CITY OF LODI

CC-6 At the City Council meeting of April 7, 1993, Yellow Cab
CC-16 Company requested that the City Council reconsider the
CC-50(b) necessity of two cab companies operating in the City of
Lodi and wondered what could be done about Super Cab's
operation in Lodi.

City Manager Peterson presented a brief synopsis of the history of the two cab companies. Questions followed regarding what the reasons may be for revoking a vehicle for hire license. Acting City Attorney Sullivan replied that the only reason to revoke this type of a license is for cause, not for competition or financial impact.

The following persons spoke regarding the matter:

- a) Pat Howe, Stockton Intertrans Corporation,
dba, Yellow Cab Company, 206 North Sutter
Street, Stockton; and
- b) Riley Powell, Super Cab Company, 303 Center,
Rio Vista.

Following further discussion regarding the matter, the City Council, on motion of Council Member Sieglock, Davenport second, voted to table the matter by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock and Pennino (Mayor)

Noes: Council Members - Snider

Absent: Council Members - None

REPORT REGARDING PROPOSED COURT FUNDING

RESOLUTION NOS. 93-60 AND 93-67

CC-6
CC-94
CC-300

The City Attorney had prepared the following report.

As outlined by San Joaquin County District Attorney John Phillips at the shirtsleeve session of April 27, 1993, plans have been made to close the three branch offices of the District Attorney in Lodi, Tracy and Manteca due to budget cuts. In preparation for those closings, the City has been informed by Mr. Phillips that beginning Monday, May 3, 1993, all prosecutions will be filed in Stockton courts, rather than the Lodi Municipal Courts, and certain misdemeanors will not be prosecuted at all.

This will have an immediate and dramatic impact on us.

First, Lodi Police officers will be required to appear in Stockton for misdemeanors and felony preliminary hearings. Overtime can be expected to increase substantially. The second consideration not previously discussed involves booking fees. San Joaquin County now charges other cities booking fees for all prisoners booked. In the past, we have had an arrangement whereby County prisoners awaiting court proceedings in Lodi Municipal Court were held in the City jail. We did not charge the County for this service, and in turn the County waived booking fees for Lodi's prisoners at the County jail. It appears that will change because if no prosecutions occur here, the County will have no need to house prisoners in the Lodi jail. As soon as currently pending cases are handled (probably in the next two months), we can expect the County to then begin charging booking fees for City prisoners.

As discussed at the shirtsleeve session, options are limited; the City can ask the County Board of Supervisors and State legislators to restore the District Attorney's budget cuts, and this should be considered. However, I feel we should also meet with Mr. Phillips again to explore other possibilities. It may be more practical and provide better coverage County-wide to evaluate each case for prosecution individually rather than decide in advance that only certain types of cases will be prosecuted, and to close all branch offices.

Concerns have also been expressed about the budget numbers provided. Initial figures indicated a 22% cut, but the District Attorney's total budget is around \$14 million. Mr. Phillips stated the cuts amount to about \$1.5 million, equating to a 10.7% cut, rather than 22%. This raises the question of whether a total closing of three branch offices is necessary or justified. This may also be a topic of discussion with the Board of Supervisors.

The Council may also wish to discuss Mr. Phillips' offer to keep the Lodi office open if the City can provide funding for operating expenses. That will require further calculations to see if the overtime and booking fees which would be avoided justify such expense.

As to the suggestion that the District Attorney consent to misdemeanor prosecutions by City Attorneys' offices in the County pursuant to Penal Code Section 41803.5, that is still an open question. Clearly, I do not have the time or resources to prosecute all misdemeanors while still covering my present duties. By cutting back on other municipal services, I might be able to prosecute some of the more serious misdemeanors, although that would still require the District Attorney's consent. On that point, I frankly do not understand Mr. Phillips' statement that he had not yet made a decision as to whether to give such consent. If the District Attorney's office can't handle these prosecutions, I see no justification to withhold consent to any other agency expressing a desire to do so.

The Police Department is presently in touch with the Attorney General's office to explore other possibilities and the City Council will be kept advised.

Council discussion and direction was requested.

City Manager Peterson and newly-appointed Police Chief Hansen updated the City Council on matters pertaining to the court funding.

Speaking on this matter were the following persons:

- a) Ron Freitas, District Attorney's Office, Lodi;
- b) John Phillips, San Joaquin County District Attorney's Office; and
- c) Arthur Price, 1053 Port Chelsea, Lodi.

Following a lengthy discussion regarding the matter, the City Council, on motion of Council Member Sieglock, Davenport second, unanimously adopted Resolution No. 93-60 urging the San Joaquin County Board of Supervisors to continue the funding of law and justice in this county and Resolution No. 93-67 urging the State Senate and the State Assembly to support the City of Lodi and the San Joaquin County's efforts to retain property tax revenue, thereby enabling the City and County to maintain current law and justice services.

City Manager Peterson informed the City Council and the public that there is going to be a mass march on the State Capital to protest this matter on May 19, 1993 in which he plans to participate.

PLANS AND SPECIFICATIONS AND ADVERTISEMENT
FOR REQUEST FOR PROPOSALS FOR THE
DIAL-A-RIDE RADIO SYSTEM APPROVED

CC-12.1(c) Administrative Assistant to the City Manager Keeter
CC-50(b) presented the following report.

The City received proposals in response to a Request for Proposals from Lagorio Communications and Motorola Communications. McGee Communications came to the Council meeting of April 7, 1993 with an entirely different proposal which could have been submitted on time. The City Council rejected all submitted proposals and requested staff to review the entire matter. Staff contends that radio compatibility and integration with other City departments is preferential over branching off with an incompatible system. The transit fleet will continue to grow with the addition of a fixed bus route system next year. The ability to work directly with the Public Works Department garage staff will be invaluable should a vehicle be unexpectedly taken out of service while carrying passengers.

A revised RFP is hereby submitted which provides an opportunity for vendors to submit proposals with a total of six options.

- I. Purchase a radio system compatible with the City's existing 800 Mhz Trunked System.
- II. Lease/Purchase a radio system compatible with the City's existing 800 Mhz Trunked System.
- III. Lease a radio system compatible with the City's existing 800 Mhz Trunked System.

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✓

- IV. Purchase a radio system which is not compatible with the City's existing 800 Mhz Trunked System, but which will provide adequate radio communications.
- V. Lease/Purchase a radio system which is not compatible with the City's existing 800 Mhz Trunked System, but which will provide adequate radio communications.
- VI. Lease a radio system which is not compatible with the City's existing 800 Mhz Trunked System, but which will provide adequate radio communications.

Staff worked with McGee Communications to ensure they would not be excluded or otherwise discouraged from submitting a proposal to the City. Elements of the original RFP which have been specifically deleted include the following:

- 1. "The radio system will operate on an existing trunked system licensed by Lagorio Communications operating from Bear Mountain. The radios must be capable of subgrouping to facilitate communications among various departments. APCO 16b public safety capability is a desirable system element which will allow for future application."
- 2. "Alerted paging with no external equipment".
- 3. "Quick call capability".

The following language still is included in Option I, II, and III:

"Vendors offering a system comparable to the 800Mhz Trunked System now in use in the City of Lodi, incorporating the features listed above, giving effective coverage throughout the previously described geographical area are invited to submit a proposal to furnish, program, deliver and install such a system for the City of Lodi."

The APCO 16b requirement has been eliminated as it is not an issue and did not and will not have a bearing on responses by vendors.

Following questions on the matter, the City Council, on motion of Council Member Snider, Pennino second, unanimously approved the revised plans and specifications and advertisement for Request for Proposals for the Dial-A-Ride radio system.

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Continued May 5, 1993

RECESS

Mayor Pennino called for a ten-minute recess and the City Council reconvened at approximately 11:07 p.m.

MEETING TO CONTINUE FOLLOWING

11:00 P.M. HOUR

Pursuant to Ordinance No. 1566 that was recently adopted, the City Council needs a 4/5 vote to continue with the remainder of the meeting after the 11:00 p.m. hour.

On motion of Council Member Sieglock, Snider second, the City Council unanimously voted to continue.

ORDINANCES

ORDINANCE AMENDING THE OFFICIAL DISTRICT
MAP AND REZONING 1235, 1237, 1259 AND
1321 NORTH LILAC STREET FROM R-GA, GARDEN
APARTMENT RESIDENTIAL TO P-D(31),
PLANNED DEVELOPMENT DISTRICT NO. 31

ORDINANCE NO. 1573 ADOPTED

CC-53(a)
CC-149

Ordinance No. 1573 entitled, "An Ordinance of the City Council of the City of Lodi Amending the Official District Map of the City of Lodi and Thereby Rezoning 1235, 1237, 1259 and 1321 North Lilac Street from R-GA, Garden Apartment Residential to P-D(31), Planned Development District No. 31" having been introduced at a regular meeting of the Lodi City Council held April 21, 1993 was brought up for passage on motion of Council Member Sieglock, Snider second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock,
Snider and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

PARKING TICKET COLLECTION AGREEMENT APPROVED

CC-21(a)
CC-90

Finance Director Flynn presented the following report.

In April of 1992, the Council approved a contract with West Computil Corporation to provide a parking ticket collection program. West Computil Corporation is no longer in business due to bankruptcy. Currently revenue receipt is being handled by Finance staff.

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SERVICES REQUESTED

Five vendors were contacted by Finance staff and invited to respond to selected criteria.

- ° Receive and maintain a data base of parking tickets.
- ° Provide a toll free 800 telephone number.
- ° Provide courtesy notifications to violators who have not paid their parking tickets.
- ° Issue "computer generated" DMV holds.
- ° Provide the City with reports as to collection status, number of tickets issued, number of tickets issued by officer, status of DMV holds.
- ° Allow City to continue revenue collection.

SELECTION PROCESS

All vendors were invited to be interviewed by a panel of Finance and Police Department staff. Three accepted. The purpose of these presentations was to give the panel an opportunity to evaluate selected criteria in addition to price per ticket.

THE MEMBERS OF THE SELECTION COMMITTEE WERE:

Maxine Cadwallader, Revenue Manager, Finance; Vicky McAthie, Accounting Manager, Finance; Larry Hansen, Acting Police Chief, Police Department; Sandra Meyers, Secretary, Police Department; Sherry Sanchez and Jacquie Kreps, Parking Enforcement Assistants, Finance.

IN ADDITION, THE CRITERIA USED FOR SELECTION WAS AS FOLLOWS:

	<u>Points</u>
° Office in Northern California	20
° Responsive to questions	10
° Submitted client list, as requested	15
° Supplied sample reports, as requested	15
° Will allow City of Lodi to record revenue	10

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Continued May 5, 1993

- ° Will provide an 800 number for telephone inquiries 10
- ° Price per ticket (15 points for lowest, 10 for medium, 5 for highest)
- ° Term of contract (15 points for 1 year, 10 for two years, 5 for three years or not stated)
- ° Subs parts of contract out -10
- ° Additional charges for postage -10

<u>Company</u>	<u>Price per Ticket</u>	<u>Points</u>
Enforcement Technology, Inc.	\$1.25	85
Phoenix Group	\$1.05	65
Turbo Data	\$2.40	45
City of Inglewood	\$1.17	30

RECOMMENDATION

That the City Manager be authorized to enter into a contract with Enforcement Technology, Inc. for a period of two years to receive, maintain and be instrumental in the collection of unpaid parking tickets.

Following discussion among Council and staff, on motion of Council Member Snider, Sieglock second, the City Council unanimously authorized the City Manager to enter into an agreement with Enforcement Technology, Inc. to process parking tickets issued by the City, send notices for delinquency, and forward unpaid fees to the Department of Motor Vehicles (DMV) for registration hold, if necessary. The contract will be for a period of two years at a cost of \$1.25 per ticket.

RECEIVED CONTRACT CHANGE ORDER -
POPLAR STREET WASTEWATER PIPE IMPROVEMENT,
CHEROKEE LANE TO CENTRAL AVENUE

CC-90

The City Council received and discussed the following matter.

This information is being given to the City Council in accordance with the Contract Change Order policy approved by Resolution 85-72. One of the requirements of this policy is that we inform the City Council of all change orders over 10% of the contract amount.

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The contract change order, approved by the City Manager, was in the amount of \$19,322.21, which is 17.3% of the contract. No additional appropriation will be needed as the contingencies for this project are sufficient to pay for this change order. The work includes relocating the bore pit and miscellaneous storm drain work done as part of the project.

Eight working days were added to this project as a result of this change order.

ADDITIONAL DEFERRED COMPENSATION PROVIDER
APPROVED

RESOLUTION NO. 93-56

CC-6 The Deferred Compensation Committee has heard from a number
CC-34 of employees, some dissatisfaction with the interest rates
CC-90 being offered by Great Western Bank and, to a lesser
 degree, some lack of clarity in the quarterly statements.
 The latter is a minor irritant, but is ongoing. Great
 Western is reluctant to guarantee participants anything
 over a 30-day Treasury Bill rate and requires "rolling"
 money over periodically.

They do offer FDIC insurance on accounts which to some employees is of paramount concern.

ICMA offers a full range of investment options which includes some investments with a higher return.

The Deferred Compensation Committee does feel that it would be beneficial to the participating employees to have the option of more than one Plan. The Committee feels that option should be ICMA Retirement Corporation.

Deferred Compensation is the only business ICMA Retirement Corporation is involved in and is not a subsidiary or adjunct of a banking or insurance operation. Many cities throughout the State use ICMA and the reports we have received from them are highly satisfactory.

As with Great Western Bank, there is no cost to the City. The direct cost of administering the program is borne by the participants.

Following discussion, Council Member Davenport made a motion, Mann second, to table the matter. The motion failed by the following vote:

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✓ Continued May 3, 1982

Ayes: Council Members - Davenport and Mann

Noes: Council Members - Sieglock, Snider and Pennino
(Mayor)

Absent: Council Members - None

Further, on motion of Mayor Pennino, Sieglock second, the City Council adopted Resolution No. 93-56 authorizing the City Manager to execute a contract with ICMA Retirement Corporation as a co-administrator with Great Western Bank of the City of Lodi's Deferred Compensation Plan by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and
Pennino (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

RETENTION AND REPAIR OF ASSET-SEIZED
VEHICLE BY THE LODI POLICE DEPARTMENT
APPROVED

CC-6

Captain Adams, Lodi Police Department, presented the following report.

It was being requested that the City Council authorize the Lodi Police Department to retain an asset-seized vehicle (1983 Mercury Marquis, California License #1LBR989) for use in the Investigations/Narcotics Division. Furthermore, that the Council authorize the expenditure of \$1,146.46 from the Asset Seizure Account to make necessary repairs to this vehicle.

The above vehicle and cash were awarded to Lodi Police Department under asset seizure statutes from a narcotics trafficking case.

On motion of Council Member Sieglock, Mann second, the City Council authorized the Lodi Police Department to retain the asset-seized vehicle for use in the Investigations/Narcotics Division, and authorized the expenditure of \$1,146.46 from the Asset Seizure Account to make necessary repairs to this vehicle by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and
Pennino (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FIREWORK DISPLAY CONTRACT FOR FOURTH OF
JULY AT LODI LAKE PARK APPROVED

RESOLUTION NO. 93-57

CC-90 For the past four years the City has used Zambelli.
CC-300 Internationale Fireworks Manufacturing Co., Inc. in
presenting our Fourth of July celebration and fireworks
show. This year we have again asked for a request for
proposals from both Zambelli and Pryo Spectaculars Inc.
These proposals have been received and evaluated.

Below is a list of what the number of shells each provider
will fire for the City.

ZAMBELLI - \$8,000

<u>Shell Description</u>	<u>A</u>	<u>B*</u>
Opener	20	20
Body of Program:		
Three Inch Shells	90	56
Four Inch Shells	62	49
Five Inch Shells	30	38
Six Inch Shells	20	31
Grand Finale	240	220
Total Shells	462	414

*Note: Both programs (A & B) are of equal value

PYRO SPECTACULAR - \$8,000

<u>Shell Description</u>	
Opener (67mm)	25
Body of Program:	
Three Inch Shells	117
Four Inch Shells	80
Five Inch Shells	51

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Six Inch Shells	25
Grand Finale	155
Total Shells	453

Due to new regulations, 8 inch shells must now be fired electrically and are not included in either bid. Pyro Spectaculars is offering more of the larger shells which go higher and explode much wider than the small shells. I believe the Pyro Spectaculars display will present a much better show.

It is for this reason that the Parks and Recreation Director recommended that the City go with Pyro Spectaculars Inc. and asked that the City Council approve purchasing the Pyro Spectacular show. These two companies are the only companies that Mr. Williamson is aware of that provides this kind of show in our area.

On motion of Council Member Sieglock, Mann second, the City Council adopted Resolution No. 93-57 approving expenditure of funds to purchase a fireworks show for the Fourth of July 1993 with Pyro Spectaculars in the amount of \$8,000.

PURCHASE OF POLICE PATROL VEHICLES APPROVED

RESOLUTION NO. 93-58

CC-12(a) Three police patrol sedans were included in the 1992/93
CC-90 fiscal year budget. The patrol vehicle we now use is the
CC-300 Ford Crown Victoria four-door sedan, CHP Special Service Vehicle. On April 21, 1993, the Council approved, per Resolution #93-48, the purchase of the police patrol sedans from Geweke Ford of Lodi, California.

Ford Motor Company moved up the purchasing cutoff date, originally set as April 28, 1993; therefore, dealers other than the State contract are now unable to obtain these units. Geweke Ford has made numerous attempts to confirm a build date for the City of Lodi's three police patrol sedans, but have been unable to do so. Per the following letter from Geweke Ford, they have advised the City to look at other avenues for the purchase of our police cars.

"This is to advise you that I have been in contact with Mr. Jack Labelle of Ford Motor Company Government Sales. As of this date, I have not received confirmation on a build date for your new police cars.

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Hopefully, I will have an answer for you by 5:00 p.m. today, April 26, 1993. However, if I cannot receive a build date on your orders by 5:00 p.m. tomorrow, April 27, 1993, you should look at other avenues.

Thank you for your patience in this matter."

In checking with Downtown Ford of Sacramento, orders for the 1993 Ford Crown Victoria police sedans are still being accepted on the State contract until Friday, April 30, 1993.

This deadline for purchasing the cars from Downtown Ford is prior to the next City Council Meeting. If not ordered now, the City might not be able to purchase the three sedans we require until March or April of 1994. This is too late to meet our replacement needs. As a precaution, a purchase order has been issued to Downtown Ford for the three vehicles to "hold our place in line", subject to ratification by the Council.

It was staff's recommendation that the Council rescind the original resolution, #93-48, and approve resolution for the purchase of the three police patrol sedans from Downtown Ford in the amount of \$50,020.28, and ratify that purchase.

Following discussion, the City Council, on motion of Mayor Pennino, Mann second, adopted Resolution No. 93-58 rescinding Resolution No. 93-48 and awarding the purchase of three police patrol sedans from Downtown Ford of Sacramento, California, who was awarded the contract from the State of California, Office of Procurement, ratifying this purchase in the amount of \$50,020.28 by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and Pennino (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

RESOLUTION IN SUPPORT FOR ROUTING OF
AMTRAK TRAINS THROUGH THE CITY OF LODI
UTILIZING SOUTHERN PACIFIC TRACKS APPROVED

RESOLUTION NO. 93-59

CC-7(h) City Manager Peterson presented the following report and
CC-300 answered questions regarding the matter.


As the City Council is aware, there has been for some time discussions concerning the ultimate routing of Amtrak trains through the San Joaquin Valley. Obviously, the City Council has been extremely interested in how this routing would affect the City of Lodi. Amtrak would best serve our City by a route through the downtown area, stopping at the proposed rehabilitated depot.

On motion of Council Member Sieglock, Pennino second, the City Council unanimously adopted Resolution No. 93-59 expressing support for the routing of Amtrak trains through the San Joaquin Valley and the City of Lodi utilizing Southern Pacific tracks.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 11:53 p.m.

ATTEST:


Jennifer M. Perrin
City Clerk